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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,128	12/27/2005	Nicolas Pegorier	0512-1291	2632
<small>465 7590 01/07/2009</small> YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER BLACK, MELISSA ANN	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 01/07/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/543,128

**Applicant(s)**

PEGORIER ET AL.

**Examiner**

MELISSA A. BLACK

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Office action is in response to Amendments and Remarks filed 02 October 2008. Claims 1-20 are pending in the application and are rejected as set forth below.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 7-15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat # 3,871,636 to Boyle.

Re Claim 1, Boyle discloses an item of equipment (Figure 1) for a motor vehicle, of the type comprising a rigid supporting reinforcement (14) and a flexible padding (10) covering the outer face of the supporting reinforcement (14), the padding having an outer covering skin (12), wherein the padding has projections (24) that are made in one piece with the outer skin (12) and that rest on the outer face of the supporting reinforcement (14), and wherein the projections (24) delimit between them deforming spaces (See Figure 6) of the padding to give the padding its flexibility so that the padding can deform on touch at by deformation of some of the projections.

Re Claims 7-10, 14 and 15, Boyle discloses wherein the projections are ribs (24) and wherein the deforming spaces are cells delimited between the ribs (24), wherein it constitutes a dashboard (10) of a motor vehicle and having an item of equipment (10), wherein the item of equipment includes means for putting space into communication with at least one of each other or with the outside atmosphere (See figure 4A). Re Claims 11 and 12, Boyle discloses the supporting reinforcement is curved to give the item of equipment its shape, and the item of equipment is a dashboard (10). Re claim 13, Boyle discloses the padding can deform on touch

by buckling of some of the projections (Figure 6). Re Claim 20 Boyle discloses the padding is more flexible than the supporting member (14) (Column 2, lines 15-20).

4. Claims 1-6, 7-8, 10, 14-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat # 5,577,766 to Niwa et al.

Re Claims 1-6, Niwa et al discloses an item of equipment for a motor vehicle, of the type comprising a rigid supporting reinforcement (B, Figure 2) and a flexible padding (10) covering the outer face of the supporting reinforcement (B), the padding having an outer covering skin (10), wherein the padding has projections (18, 19, 14, 15b) that are made in one piece with the outer skin (10) and that rest on the outer face of the supporting reinforcement (B), and wherein the projections delimit between them deforming spaces of the padding to give the padding its flexibility so that the padding can deform on touch at by deformation of some of the projections. Niwa et al discloses means (18a and 19a) for attaching the padding onto the supporting reinforcement (B). Niwa et al discloses the means of attachment comprise snap-on devices (18a and 19a). Niwa et al discloses a housing (3) for accommodating a movable device (20) is provided in the supporting reinforcement (B). Niwa et al discloses a movable device (20) for controlling an accessory of the motor vehicle is accommodated in the housing (3). Niwa et al discloses at least one projection (14) of the padding (10) rests on the movable device (20), and wherein said projection (14) is separated from the projections (18 and 19) of the padding (10) that rest on the supporting reinforcement (B) around the housing (3).

Re Claims 7-8, 10, 14 and 15, Niwa et al discloses the projections are ribs (18, 19, 14, 15b) and wherein the deforming spaces are cells delimited between the ribs (See Figure 2), wherein it includes means (See Figure 3) for putting the spaces into communication with each

other and/or with the outside atmosphere. Niwa et al discloses an item of equipment (9). Re Claim 20, Niwa discloses that the padding is more flexible than the supporting reinforcement (B). Re claim 15, Niwa discloses that the padding, the skin and the projections are formed in one piece from elastomeric thermoplastic material (Column 3, lines 23-24).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 9 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat # 5,577,766 to Niwa.

Niwa et al fails to disclose that it constitutes a dashboard of a motor vehicle.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use the device on the dashboard, for it is obvious that an air bag can be used on the dashboard and on the steering wheel on the vehicle.

Re Claims 17-19, Niwa discloses the use of a synthetic resin material such as a thermoplastic elastomer of polyester.

Niwa fails to disclose the thermoplastic material is polyurethane, polyolefin, polyvinyl chloride or silicone rubber.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to interchange the thermoplastic materials for they are an obvious expedient in the art and require little to no skill to interchange as the design requires.

Niwa further fails to disclose the supporting reinforcement is a polyolefin thermoplastic, acrylonitrile-butadiene-styrene and polycarbonate, and the supporting reinforcement includes at least one of an inorganic fiber or a glass fiber reinforcement.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use these materials for the supporting reinforcement for they are all well known materials in the art and require little to no skill in the art and furthermore are a mere design choice.

7. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat # 3,871,636 to Boyle.

Boyle discloses the use of a microcellular urethane foam, which is a thermoplastic material and the supporting reinforcement is a plastic material.

Boyle fails to disclose thermoplastic material is polyurethane, polyolefin, polyvinyl chloride or silicone rubber and the supporting reinforcement is a polyolefin thermoplastic, acrylonitrile-butadiene-styrene and polycarbonate, and the supporting reinforcement includes at least one of an inorganic fiber or a glass fiber reinforcement.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use these material for it is an obvious expedient in the art to interchange materials and these materials are known in the art to use in the automotive art for the instrument panel and dashboards.

Applicant may seasonally challenge, for the official record in this application, this and any other statement of judicial notice in timely manner in response to this office action. Please specify the exact statement to be challenged. Applicant is reminded, with respect to the specific

challenge put forth, of the duty of disclosure under Rule 56 to disclose material which is pertinent to patentability including claim rejections challenged by applicant.

***Response to Arguments***

8. Applicant's arguments filed 02 October 2008 have been fully considered but they are not persuasive. Regarding the rejection over Boyle, applicant argues that the force applied to Boyle is not on touch, but the force applied to the dashboard would be on touch. On touch is broad and does not clarify the amount of force being exerted to make the projections buckle. Regarding the rejection over Niwa, applicant argues that the device of Niwa is not a dashboard. Claims 1-6, 7-8, 10, 14-16 and 20 do not claim a dashboard, and as for claim 9, Niwa would be capable of being used on a dashboard for it is for use on a steering wheel airbag, and air bags are also used on dashboards and therefore it would be obvious that Niwa would be capable of being used on a dashboard. As for on touch of Niwa, when honking the horn, the projection would be capable of deforming or buckling when the force is applied to padding covering.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA A. BLACK whose telephone number is (571)272-4737. The examiner can normally be reached on M-F 7:00-3:30 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A. B./  
Examiner, Art Unit 3612

/Hilary Gutman/  
Primary Examiner, Art Unit 3612